IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

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**WRIT PETITION NO : 10746 of 2005**

**Between**:

N. Ashok Rao S/o. Venkata Rao
R/o. Karimnagar.

**..... PETITIONER**

**AND**

1 The District Level Committee,

Rep. by its Chairman, Karimnagar,
2 The District Panchayat Officer,

Karimnagar District,

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or writ one in the nature of writ of Mandamus, declaring the action of the respondents in not considering the representation of the petitioner dt. 24-3-2005 and 6-4-2005 for grant of Temporary permits for quarrying sand in Kudurupalli Gram Panchayat, Mahadevpur Mandal, Karimnagar District in terms of Rule 9(L) of A.P. Minor Mineral Concession Rules, 1966, as arbitrary, illegal, unjust and contrary to the A.P. Minor Mineral Concession Rules, 1966 and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: SMT.N.SHOBA**

**Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court at the admission stage made the following :**

**ORDER:**

This writ petition is filed seeking declaration that the action of the respondents in not considering the representations of the petitioner dated 24-03-2005 and 06-04-2005, requesting to grant temporary permits for quarrying sand in Kudurupalli Gram Panchayat, Mahadevpur Mandal, Karimnagar District in terms of Rule 9(L) of A.P.Minor Mineral Concession Rules, 1966 (for brevity 'the Act'), is arbitrary, illegal and contrary to the Act.

It is stated in the affidavit filed in support of this writ petition that the petitioner submitted a representation
dated 24-03-2005 requesting the second respondent to extend the sand quarry lease on payment of 10% enhanced lease amount for the second year as the period of sand quarry lease granted to the petitioner would expire on 05-04-2005. It is further stated that after expiry of the lease period, the petitioner made another representation on 06-04-2005 requesting the second respondent to issue temporary permit to him till alternative permanent arrangements are made. Stating that no orders have been passed so far on the said representations, petitioner filed the present writ petition.

Heard both sides and perused the entire material available on record.

As per the proviso to Rule 9 of the Minor Mineral Concession Rules, 1966 (for brevity 'the Rules'), the District Panchayat Officer may permit the earlier lessee to continue quarry operations on payment of proportionate amount with
10 % enhancement. Though the petitioner has no vested right to seek such permission, inasmuch as he has already made representations, it is for the second respondent-District Panchayat Officer to consider the same for grant of temporary permits and pass appropriate orders on merits.

Accordingly, I dispose of the writ petition directing the second respondent to

consider the representations

of the petitioner dated 23-04-2005 and 06-04-2005 for grant of temporary permits. However, it is needless to mention that this order would in no way be understood as a positive direction for grant of such permits. It is made clear that it is open to the second respondent to consider the representations dated 23.4.2005 and 6.4.2005, said to have been made by the petitioner and pass appropriate orders, in accordance with law, for issuance of temporary permits or otherwise.

Writ Petition is, accordingly, disposed of at the admission stage. There shall be no order as to costs.

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**29-04-2005**

**LUR**

Copy to:

1 The District Level Committee,

Rep. by its Chairman, Karimnagar,

2 The District Panchayat Officer,

Karimnagar District,

3 Two CCs to the G.P. for Panchayat Raj

and Rural Development, High Court Buildings,

High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.